

Fiscal Note

Fiscal Services Division



SF 2186 – Cocaine and Crack Cocaine, Criminal Penalties (LSB5986SV)
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Fiscal Note Version – New

Description

Senate File 2186 modifies the criminal penalties for controlled substances containing a cocaine base.

Background

This bill lowers the threshold limits for cocaine based substances (crack cocaine), and thus lowers the criminal penalties for possession of crack cocaine as follows:

- More than 125 grams (current law is 50 grams) becomes a Class B felony punishable by confinement of no more than 50 years and a fine of no more than \$1.0 million.
- Possession of 35 to 125 grams (current law is 10 to 50 grams) becomes a Class B felony punishable by confinement of no more than 25 years and a fine of \$5,000 to \$100,000.
- Less than 35 grams (current law is 10 grams) becomes a Class C felony punishable by a fine of not less than \$1,000.

Correctional Impact

According to an analysis done by the Department of Corrections for the Public Safety Advisory Board, under this proposal offenders that currently enter prison for a Class B felony (25 years) drug conviction will instead be convicted of a Class C felony (10 years). While this will not result in an immediate impact on the prison population, Class C nonviolent offenders serve an average of 17.6 months in prison versus 36.9 months for Class B nonviolent offenders. The net impact to the prison population over the long term will be a decrease of approximately 11 offenders. With a marginal cost for the prison system at \$18.43/day, this will result in an estimated savings of at least \$74,000 per year after year four. The LSA [Correctional Impact Statements Memo](#) dated February 18, 2016, contains additional information.

Minority Impact

It is expected this bill would reduce the disproportionate impact on African Americans slightly over time. Refer to the LSA [Minority Impact Statements Memo](#) dated January 26, 2016, for information related to minorities in the criminal justice system.

Fiscal Impact

The change in penalties is estimated to result in a savings to the State General Fund of \$74,000 per year after the fourth year of implementation.

Sources

Iowa Department of Human Rights, Criminal and Juvenile Justice Planning Division
Iowa Department of Human Rights, Public Safety Advisory Board
Iowa Department of Corrections

/s/ Holly M. Lyons

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